

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION No: 10926 of 2005

Between:

Chitikina Dhanalaxmi, W/o Ch.A.V.V.N.S.Murthy,
R/o Tadepalligudem, West Godavari.

..... PETITIONER

AND

- 1 The Station House Officer, Tadepalligudem Town Police Station, West Godavari District.
- 2 The Superintendent of Police, West Godavari District at Eluru.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, direction, or a writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce Ch. A.V.V.N.S. Murthy and Durga Kumar, before this Hon'ble Court who were illegally taken away by the Police Personnel of Tadepalligudem Town Police Station on 28-4-05 from the premises of the Petitioner's house and set them at liberty forthwith and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: (TELEGRAM)

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

ORDER: (per Hon'ble GR, J)

In response to the telegraphic complaint that Ch.A.V.V.N.S.Murthy and Durga Kumar were illegally detained by the Police of Tadepalligudem Town Police Station on 28-04-2005, the Sub Inspector of Police, Tadepalligudem Town Police Station, West Godavari District has filed a counter affidavit stating as under:

3. It is submitted that one Pilli Indira Priyadarsini has submitted a written report to our Police Station on 28-04-2005 at 17.15 hours stating that she has love affair with Chitikina Durga Kumar, alleged detenu No.2 and he promised to marry her. Since he has been refusing to marry her she sought interference of the police for conducting counselling between the alleged detenu No.2 and the complainant. On receiving the said report, G.D.entry was made and summoned the alleged detenus 1 and 2 for the purpose of conducting enquiry and counselling. It is the case of the complainant that on 2.4.2005 she met with an accident while travelling along with the alleged detenu No.1 resulting internal head injury and also hospitalized and get operated. The complainant further stated that the alleged detenu No.2 is not responding nor coming forward to marry her. While preliminary investigation was being conducted, we were informed by the complainant herself that the issue was settled with the intervention of the elders and thereby there is no necessity to proceed with the complaint given by her. What are the terms of compromise are not within our knowledge. The Mandal Revenue Officer, Tadepalligudem has recorded the statement of the petitioner as well as the alleged detenus and they categorically stated in the deposition that they have settled the matter amicably and the petitioner specifically stated that she wanted to withdraw the complaint given to this Hon'ble Court. I am herewith producing the statements given by them for kind perusal of the Hon'ble Court. It is further submitted that R.Satyanarayana who is said to be caste elder also came to the Police Station and gave statement on 28.4.2005 to the effect that the matter would be settled in the presence of the elders and accordingly there is no necessity to proceed with the complaint given by the complainant. Therefore it is clear that the issue has been settled among the alleged detenus as well as the complainant and their respective family members and accordingly no further steps have been taken and no case is registered.

4. Coming to the contentions raised in the telegram, it is submitted that the alleged detenus visited the Police Station 28.4.2005 at about 19.00 hours and after enquiry they were allowed to leave the Police Station by 21.30 hours. As per the statement of the petitioner herein, she was under the impression that the alleged detenus are continued to be in the custody of the Police, which was mistaken impression. Accordingly the contentions raised in the telegram in this regard are totally incorrect and made out of mistake of fact.

In view of the averments above, no further proceedings are warranted. The writ

petition is accordingly dismissed.

(GODA RAGHURAM, J)

(Dr. G.YETHIRAJULU, J)

Dated: 10-05-2005

Vs/ks

To

1 The Station House Officer, Tadepalligudem Town Police Station, West Godavari District.

2 The Superintendent of Police, West Godavari District at Eluru.

4 Two CCs to the Advocate General, High Court of A.P.,

Hyderabad(O.U.T).

3 2 CD copies